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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/950,542	10/15/1997	WILLIAM W. BACHOVCHIN	2002941-0051	9495

7590 05/26/2004
C. Hunter Baker, M.D., Ph.D.
Choate, Hall & Stewart
Exchange Place, 53 State Street
Boston,, MA 02109

EXAMINER

LUKTON, DAVID

ART UNIT PAPER NUMBER

1653

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SUPPLEMENTAL
Notice of Allowability

Application No.

08/950,542

Examiner

David Lukton

Applicant(s)

BACHOVCHIN ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.


1. ☒ This communication is responsive to 11/5/03.
2. ☒ The allowed claim(s) is/are 56-64.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

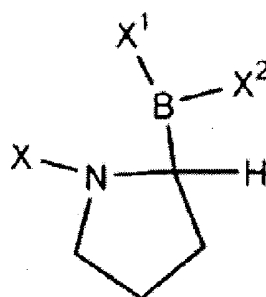
1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 0501.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

- Cancel all pending claims, i.e., **cancel claims 48-55.**
- Add the following claims:

56. A mixture of stereoisomers consisting of a compound of the following structure and at least one stereoisomer thereof:



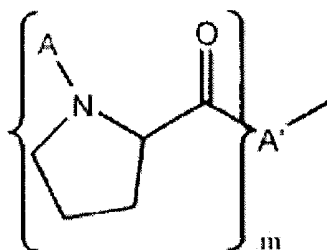
wherein each X¹ and X² is a hydroxyl group;

wherein at least 96% of the carbon atoms bearing boron are of the L-configuration;

wherein X comprises an amino acid or a peptide; and

wherein the compound inhibits DP-IV activity.

57. The mixture of claim 56, wherein X is a peptide having the structure



wherein m is an integer between 0 and 10, inclusive; and

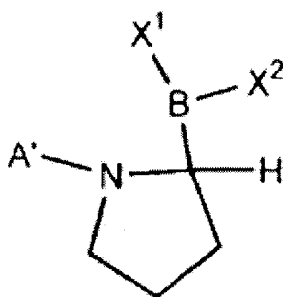
wherein A and A' are L-amino acid residues such that the A in each repeating bracketed unit can be the same or a different amino acid residue.

58. The mixture of claim 57, wherein A and A' are independently proline or alanine residues.

59. The mixture of claim 57, wherein m is an integer between 1 and 10.

60. The mixture of claim 57, wherein m is 1.

61. A mixture of stereoisomers consisting of a compound of the following structure and at least one stereoisomer thereof:



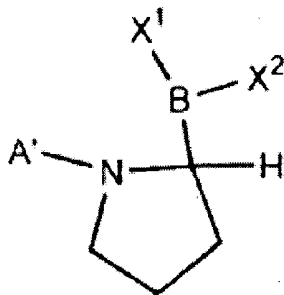
wherein each X¹ and X² is a hydroxyl group;

wherein at least 96% of the carbon atoms bearing boron are of the L-configuration;

wherein A' comprises an amino acid; and

wherein the compound inhibits DP-IV activity.

62. A mixture of stereoisomers consisting of a compound of the following structure and at least one stereoisomer thereof:



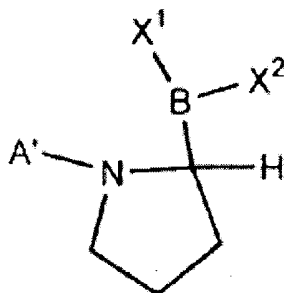
wherein each X¹ and X² is, independently, a hydroxyl group or a group that is hydrolyzed to a hydroxyl group at physiological pH;

wherein at least 99% of the carbon atoms bearing boron are of the L-configuration;

wherein A' comprises an amino acid; and

wherein the compound inhibits DP-IV activity.

63. A mixture of stereoisomers consisting of a compound of the following structure and at least one stereoisomer thereof:



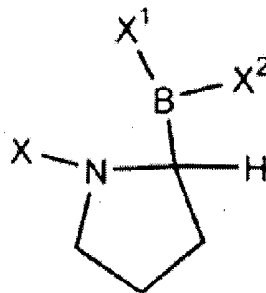
wherein each X¹ and X² is, independently, a hydroxyl group or a group that is hydrolyzed to a hydroxyl group at physiological pH;

wherein at least 96% of the carbon atoms bearing boron are of the L-configuration;

wherein A' is valine; and

wherein the compound inhibits DP-IV activity.

64. A mixture of stereoisomers consisting of a compound of the following structure and at least one stereoisomer thereof:



wherein each X¹ and X² is, independently, a hydroxyl group or a group that is hydrolyzed to a hydroxyl group at physiological pH;

wherein at least 99% of the carbon atoms bearing boron are of the L-configuration;

wherein X comprises an amino acid or a peptide; and

wherein the compound inhibits DP-IV activity.

Authorization for this Examiner's Amendment was given in a telephone conversation with C. Hunter Baker on 5/19/04.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 703-308-3213. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached at (703) 308-2923. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

D. Lukton 5/19/04

Christopher S. F. Low
CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600